

NORTH NORTHAMPTONSHIRE

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Report Originator	Paul Goult on behalf of the Monitoring Officer Group	<i>Fwd Plan Ref No:</i> N/A	
Wards Affected	ALL	24 th June 2019	
Title	Terms of Reference		

1. PURPOSE OF REPORT

For Members to note the Terms of Reference agreed by sovereign councils for the North Northamptonshire Joint Committee

2. BACKGROUND

In August 2018 seven of the eight principal authorities within Northamptonshire resolved to submit a joint proposal for the abolition of the current principal authorities and creation of two new unitary authorities. One of these new unitary authorities (referred to as North Northamptonshire) would comprise the area currently covered by the Borough Council of Wellingborough, Corby Borough Council, Kettering Borough Council and East Northamptonshire Council.

The joint proposal was submitted to the Secretary of State for Housing, Communities and Local Government.

The Secretary of State announced on the 14th May 2019 that having considered submissions made and responses to consultation that he supported the joint proposal submitted by the seven local authorities. The Secretary of State indicated that secondary legislation would follow to implement the following:-

"...the new North Northamptonshire authority will cover the existing districts of Kettering, Corby, East Northamptonshire and Wellingborough. The West Northamptonshire authority will cover the existing districts of Daventry, Northampton and South Northamptonshire.

The new authorities will replace the current 2-tier system of local government and will be a significant step towards ensuring residents and businesses across Northamptonshire can in future have the sustainable high-quality local services they deserve. The new councils will align transport, housing and environment services and improve education and skills provision..."

Further discussions between the existing local authorities and the Government will continue to determine the transitional and implementation timetable. It is envisaged that the Shadow Council will not meet until May 2020.

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Below is the current understanding of the proposed timeline; this is subject to statutory confirmation –

Shadow Council elections to be held with 78 Shadow Councillors elected (<i>these elections will be combined with the elections for Northamptonshire Police & Crime Commissioner and with town & parish councils</i>)	7 th May 2020
First Shadow Full Council meeting to be held	By end of May 2020
Vesting Day for new unitary council	1 st April 2021
Second elections for the new council	May 2025 (then every four years)

A glossary of key terms used is given below:-

Structural Changes Order (SCO) – the legislative instrument which sets out the date when existing local authorities are abolished and the process to be followed during the transition phase (Shadow Period) to the creation of the new unitary authorities (Vesting Day).

Shadow Period – the Shadow Period (also referred to as the transition period) commences from when the Structural Changes Order (SCO) comes into force and finishes the day before Vesting Day (the day the new unitary authority comes into being). The Shadow Period will commence when the Order has completed its parliamentary process.

It should be noted that during the Shadow Period the existing local authorities will continue to operate and fulfil their normal duties and responsibilities.

Shadow Council Elections – it is currently envisaged that elections to the new authority will be held on 7th May 2020. Members elected will serve an initial 5-year term of office. The first year will be as members of the Shadow Council until Vesting Day (1st April 2021) when the current councils will be abolished and the new unitary council is fully operational.

The elections in 2020 are likely to be based on current county divisions, with each electing three Members. There would be a total of 78 Members elected to the Shadow Council.

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The Shadow Full Council and any committees it may establish will have responsibility for the transition to the new unitary authority; it will not have responsibility for the delivery of current services provided by the existing local authorities.

Shadow Council Constitution – the Shadow Council will need to adopt a Constitution to ensure proper governance arrangements are in place. A draft Constitution will be developed under the supervision of the Joint Committee.

A constitution for the new unitary council will be developed by the Shadow Council during 2020/21.

Vesting Day – the day when the existing authorities are abolished and the new authorities are created. Currently envisaged to be 1st April 2021.

3. REPORT

The Terms of Reference agreed by the sovereign councils were based on a template developed by the County Monitoring Officer Group with input from the North Northamptonshire Programme Board.

The Terms of Reference are specific to those governance and operational issues that require attention prior to the establishment of a Shadow Authority. The Shadow Authority at its first Full Council meeting will need to agree certain governance arrangements. To ensure that the recommendations received by the Shadow Authority have some political integrity and been subject to scrutiny, the Joint Committee will be responsible for formulating these recommendations and forwarding them for approval by the Shadow Authority.

Whilst the Shadow Authority has the power to amend recommendations received, the Authority will be required under statute to make certain decisions within certain criteria.

In order to assist the Joint Committee it is being proposed that a small number of time-limited topic specific working groups be established to formulate the recommendations required. A specific report on this matter features elsewhere on the Joint Committee's agenda.

The new Shadow Authority through its own governance structure will take on responsibility for the planning towards a new unitary authority.

The Joint Committee cannot unilaterally amend, add to or delete from its Terms of Reference. Any changes need to be agreed by each of the partner authorities through their respective sovereign Full Council meetings.

Potentially references may be made in the Structural Changes Order that impact on the work of the Joint Committee. This will need to be monitored. It

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is being suggested elsewhere on the agenda that a working group be established to consider what, if any, additions to the current Terms of Reference may be advisable/desirable for future consideration now that the Secretary of State has made his announcement.

In light of the recent statement from the Secretary of State and the revised date of Vesting Day, it is suggested that there is a need to review the currently agreed Terms of Reference to ensure that they remain “fit for purpose” and encompass the required level of decision making.

4. FINANCIAL IMPLICATIONS

There are currently no direct additional costs related to the work of the Joint Committee. Officer support will be drawn from partner authorities and the central LGR Project Team.

In relation to the work of the Independent Remuneration Panel there will be a need to consider the expenses of Panel Members. This issue will need to be considered by the proposed Joint Committee working group.

5. LEGAL IMPLICATIONS

Section 101(5) of the Local Government Act 1972 (LGA 1972) enables a local authority to enter into arrangements for the discharge of its functions jointly with, or by, one or more other authority. Under Section 102 of the LGA 1972, local authorities are empowered to appoint joint committees to discharge functions of the councils or to advise the councils.

All principal councils represented within North Northamptonshire have, under the 1972 Act, delegated functions as represented in the agreed Terms of Reference.

6. CONCLUSION

The Joint Committee is requested to note the Terms of Reference agreed by the five principal local authorities in North Northamptonshire.

7. RECOMMENDATION

- i) Note the Terms of Reference for the North Northamptonshire Joint Committee; and**
- ii) Note that any additions, amendments or deletions to these Terms of Reference require the prior approval of all sovereign councils.**

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Background Papers:

Local Government Act 1972 (as amended)

Borough Council of Wellingborough Full Council – 26th February 2019

Corby Borough Council Full Council – 27th February 2019

East Northamptonshire Council Full Council – 20th February 2019

Kettering Borough Council Full Council – 6th March 2019

Northamptonshire County Council Full Council – 28th February 2019

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Appendix 1 – Terms of Reference

1. To consider and recommend a Constitution to be adopted by the North Northamptonshire Shadow Authority at its inaugural Full Council meeting;
2. To consider and recommend a Members Code of Conduct to be adopted by the Shadow Authority at its inaugural Full Council meeting;
3. To agree and undertake the recruitment process for the selection of the posts of Interim Head of Paid Service, Interim Chief Finance Officer (section 151) and Interim Monitoring Officer for the Shadow Authority and recommend to the Shadow Authority at its inaugural Full Council meeting nominations for the three statutory officers;
4. To consider and recommend to the Shadow Authority at its inaugural Full Council meeting a nomination for the post of Returning Officer;
5. To consider and initiate appropriate mechanisms for the recruitment of a permanent Chief Executive (Head of Paid Service), including provisional terms and conditions, including salary, and method of selection, so that the earliest possible appointment can be made by the Shadow Authority;
6. To monitor and seek to mitigate any potential risks associated with the Local Government Reform (LGR) programme, the creation of a Shadow Authority and creation of a unitary council for North Northamptonshire and to establish/agree protocols or processes to manage the risks to LGR;
7. To establish and propose a Calendar of Meetings for the Shadow Authority for adoption at its inaugural meeting;
8. To respond to consultations on the contents of orders, consents or any other matters where specifically requested to do so by the North Northamptonshire Steering Group;
9. To establish/agree any protocol or process which, if not implemented in a timely manner, may threaten the establishment of a unitary council within the deadline set by the Secretary of State;
10. To receive recommendations/reports from work streams that require Joint Committee approval so long as those relate to the Joint Committee's terms of reference referenced above; and
11. To agree the process for an independent review of a Scheme of Members Allowances for the Shadow Authority, including the setting up of an Independent Remuneration Panel and to recommend to the Shadow Authority a Scheme of Members Allowances for adoption.